

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WILLIAM P. CORBETT, INC,)	
)	
Plaintiff,)	Civil Action No. 13-227
)	
v.)	Judge Cathy Bissoon
)	
LUIS BIENES VEGA, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER OF REMAND

In response to the Court’s Show Cause Order dated February 12, 2013 (Doc. 2), Defendants have conceded that the amount in controversy does not meet or exceed \$75,000. *See* Defs.’ Resp. (Doc. 4) at ¶ 5; *see also* Pl.’s Reply (Doc. 5) at ¶ 1 (“[P]laintiff’s claim is for property damages in the liquidated amount of \$52,828.41.”). Defendants nevertheless propose that jurisdiction be exercised, as a matter of convenience, through the consolidation of this case with the personal injury lawsuit filed under Civil Action No. 13-88. *See* Defs.’ Resp. at ¶ 11; *see also generally* Compl. in Civil Action No. 13-88 (W.D. Pa.) (Bissoon, J.) (asserting personal injury claims against Defendants based on same vehicular accident leading to property damage claim in this case).

Even were the Court to grant Defendants’ request for consolidation, over Plaintiff’s objection,¹ an exercise of jurisdiction would be improper. “As a matter of law, claims of several plaintiffs, if they are separate and distinct, cannot be aggregated for purposes of determining the amount in controversy”; “[o]nly claims, whether related or unrelated, of a single plaintiff against

¹ *See* Pl.’s Reply at ¶¶ 4-5 (opposing Defendants’ request for consolidation because personal injury claims likely would delay resolution of Plaintiff’s property damage claim).

a single defendant may be aggregated.” Mays v. Rivera, 2008 WL 2906902, *1 (E.D. Pa. Jul. 25, 2008) (citation to binding Third Circuit authority and internal quotations omitted) (declining to aggregate claims of several plaintiffs injured in same multiple-vehicle accident, and remanding case to state court for lack of subject matter jurisdiction).

Defendants have failed to establish that the Court properly may exercise jurisdiction over this case. Therefore, this case is **REMANDED FORTHWITH** to the Court of Common Pleas of Allegheny County, Pennsylvania (GD-13-000910).

IT IS SO ORDERED.

February 27, 2013

s/ Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All Counsel of Record